

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAMAR GRIMES

Petitioner,

-v.-

Civil Action No.
9:10-cv-68 (GLS/RFT)

JOHN B. LEMPKE

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

Petitioner, *Pro Se*
05-B-2451
Five Points Correctional Facility
Caller Box 119
Romulus, New York 14541

FOR THE DEFENDANT:

HON. ERIC T. SCHNEIDERMAN
Attorney General of the State of
State of New York
120 Broadway
New York, New York 10271

ALYSON J. GILL, ESQ.
Assistant Attorney General

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-
Recommendation by Magistrate Judge Randolph F. Treece, duly filed

February 12, 2014. Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed February 12, 2014 (Dkt. No. 27) is ACCEPTED in its entirety for the reasons stated therein; and it is further

ORDERED that the Second Amended Petition (Dkt. No. 18) is DENIED in its entirety; and it is further

ORDERED that because the Court finds the Petitioner has not made a "substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. §2253(c)(2), no certificate of appealability will be issued with respect to any of Petitioner's claims. See 28 U.S.C. §2253(c)(2) ("A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right."); see also *Lucidore v. New York State Div. of Parole*, 209 F.3d 107, 112 (2d Cir. 2000), cert denied 531 U.S. 873 (2000); and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: March 14, 2014
Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court